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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,619	10/17/2003	Zachary Utz	D-1174 R1	2457
28995	7590	04/23/2004	EXAMINER	
RALPH E. JOCKE 231 SOUTH BROADWAY MEDINA, OH 44256			TAYLOR, APRIL ALICIA	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 04/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

847

**Office Action Summary**

Application No.

10/688,619

Applicant(s)

UTZ ET AL.

Examiner

April A. Taylor

Art Unit

2876

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Claim Objections***

2. Claims 1-34 are objected to because of the following informalities:
  - Re claim 1: Substitute "adapted to receive" with – receiving – (see line 3).
  - Re claim 1: Substitute "adapted to provide" with – providing – (see line 4).
  - Re claim 1: Delete "adapted for " (see line 5).
  - Re claim 1: Substitute "adapted to receive" with – receives – (see line 7).
  - Re claim 1: Substitute "is adapted to pass" with – passes – (see line 11).
  - Re claim 1: Substitute "sheet acceptor" with – cash acceptor – (see line 13).
  - Re claim 2: Delete "generally" (see line 5).
  - Re claim 5: Delete "generally" (see lines 1 and 3).
  - Re claim 9: Delete "generally" (see line 1).
  - Re claim 12: Substitute "the first lock" with – a first lock – (see line 4).
  - Re claim 13: Substitute "block" with – lock – (see line 2).
  - Re claim 22: Delete "adapted to " (see line 4).

Re claim 23: Delete "generally" (see lines 2 and 3).

Re claim 29: Substitute "is adapted to receive" with – receives – (see line 2).

Re claim 34: Substitute "is adapted to conduct" with – conducts – (see line 2).

(Note: Claims 3, 4, 6-8, 10, 11, 14-21, 24-28, and 30-33 are objected to since they are dependent upon claims 1 and 22.)

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-16 and 22-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Katou et al (US 6,572,013), (hereinafter Katou).

Re claims 1-6, 22-25, 27, 29: Katou teaches a bill deposit/withdrawal machine comprising a housing; at least one first input device; at least one output device; at least one second input device; a cash acceptor mechanism receives a stack comprising a plurality of notes from a user, to separate each of the notes from the stack, to evaluate each note and to segregate suspected invalid notes from valid notes, wherein the cash acceptor mechanism is movably mounted in supporting connection with a chest portion,

and wherein the cash acceptor mechanism passes valid notes downward through a cash acceptor opening in the chest portion, and wherein the cash acceptor is movable relative to the opening; a note dispenser mechanism; a note storage mechanism operative to store notes that have been passed through the cash acceptor opening in accordance with the denomination of such notes; a horizontally extending transport within the chest portion, wherein notes that have passed downwardly through the cash acceptor opening are moved horizontally through the transport toward the note storage mechanism; and a security plate position in the chest portion vertically intermediate of the horizontal transport and the note storage mechanism (see col. 5, line 57 to col. 11, line 34).

Re claims 7 and 26: Katou teaches wherein the cash acceptor mechanism comprises a driving member, and wherein the horizontal transport is in operative connection with a driven member, and wherein the driven member is accessible from outside the chest portion, and wherein in the operative position of the cash acceptor mechanism the driving member is in engagement with the driven member, whereby the horizontal transport is operatively connected with the driving member (see col. 5, line 57 to col. 11, line 34).

Re claim 8: Katou teaches wherein in the operative position of the cash acceptor mechanism, the driving member engages the driven member through the cash acceptor opening (see col. 5, line 57 to col. 8, line 67).

Re claim 9: Katou teaches wherein the chest portion is L-shaped in cross section (see figure 3).

Re claims 10 and 30: Katou teaches wherein the cash acceptor mechanism further comprises an escrow device, wherein the escrow device is operative to store notes determined to be valid prior to passing the valid notes through the cash acceptor opening (see col. 5, line 57 to col. 8, line 67).

Re claims 11 and 27: Katou teaches wherein the chest portion bounds an interior area and wherein the cash acceptor mechanism includes a suspect note storage area, wherein notes in the suspect note storage area are removable without accessing the interior area of the chest portion (see col. 5, line 57 to col. 8, line 67).

Re claims 12 and 28: Katou teaches wherein the housing includes a top portion within the housing and outside the chest portion, and wherein the cash acceptor mechanism in the operative position is positioned in the top portion of the housing, and wherein the cash acceptor mechanism is accessible within the housing by opening a first lock (see col. 5, line 57 to col. 8, line 67).

Re claims 13 and 28: Katou teaches wherein the suspect note storage area is accessible within the top portion of the housing by opening a second lock (see col. 5, line 57 to col. 8, line 67).

Re claim 14: Katou teaches wherein in the open condition of the top portion of the housing, the cash acceptor mechanism is movable to extend outside the housing (see col. 5, line 57 to col. 8, line 67).

Re claim 15: Katou teaches wherein in moving the cash acceptor mechanism from the operative position to the position extending outside the housing, the cash

acceptor mechanism is moved both vertically and horizontally (see col. 5, line 57 to col. 11, line 34).

Re claims 16, 31, and 32: Katou further teaches a fascia in supporting connection with the housing, and wherein the fascia includes an opening, and wherein the cash acceptor mechanism comprises a chute for receiving notes from a user, and wherein in the operative position of the cash acceptor mechanism the chute extends in the fascia opening (see col. 5, line 57 to col. 11, line 34; col. 13, line 4 to col. 15, line 31).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 17 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katou et al (US 6,572,013) in view of McNaughton (US 6,296,079). The teachings of Katou et al have been discussed above.

Katou et al fails to teach or fairly suggest an automated banking machine having a resilient gasket extending in fluid tight relation between the chute and the fascia.

McNaughton teaches a self-service terminal having a resilient seal extending in fluid tight relation between a chute and a fascia (see col. 2, line 61 to col. 3, line 4; col. 5, lines 7-9). In view of McNaughton's teaching, it would have been obvious to an artisan

of ordinary skill in the art at the time the invention was made to employ the notoriously old and well known resilient seal/gasket to the teachings of Katou et al to prevent dust and moisture from passing into the interior of the machine which can cause major damage to the interior components which will require replacement of the machine.

7. Claims 18-21 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katou et al (US 6,572,013) as modified by McNaughton (US 6,296,079) as applied to claims 17 and 33 above, and further in view of Deaville et al (US 5,566,809). The teachings of Katou et al as modified by McNaughton have been discussed above.

Katou et al as modified by McNaughton fail to teach or fairly suggest a fluid capture opening in the chute, wherein the fluid capture opening is in operative connection with a drain fluidly connected to outside the housing.

Deaville et al teaches a vending machine having a fluid capture opening which is in operative connection with a drain fluidly connected to outside the housing (see col. 5, lines 11-27).

In view of Deaville et al teaching, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate a fluid capture opening to the teachings of Katou et al as modified by McNaughton in order to effectively protect the interior components from damage caused by vandals or weather conditions.



***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Katou et al (US 6,474,549) discloses a bill deposit/withdrawal machine.

Calder et al (US 6,516,998) discloses a self-service terminal.

Peebles et al (US 6,454,163) discloses a self-service terminal.

Vogt et al (US 5,566,809) discloses a vending machine protective device.

***Contact Information***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to April A. Taylor whose telephone number is (571) 272-2403. The examiner can normally be reached on Monday - Friday from 6:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [april.taylor@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or

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exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



April Taylor  
15 April 2004



**THIEN M. LE**  
**PRIMARY EXAMINER**